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H 42305 J. McKechnie - PresonGeorge L. Kline
ChairmanJoseph T. Sabatino
Vice ChairmanRobert A. Matthews
PresidentEDWARDS/ONIS
EXEMPTIONS APPROVAL
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Building Railroads for the 21st Century

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RSPA-02-11384-1

cc: A.H (Rt: RS)

Orig: A. Hamm - filed BU

DEC 2 2001

P. 1. D.

12/1/01

December 19, 2001

Mr. Robert A. McGuire
Associate Administrator for Hazardous
Materials Safety
Research & Special Programs Administration
U.S. Department of Transportation
400 7th Street, SW
Washington, DC 20590-0001

Dear Mr. McGuire:

Pursuant to 49 CFR Sec. 107.105, the Railway Progress Institute, Inc. respectfully wishes to apply, on behalf of its members, for an exemption from stamping tank car heads with the DOT Specification and other requirements.

(a) This exemption is requested by:

Robert A. Matthews
Railway Progress Institute, Inc.
700 North Fairfax Street
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Alexandria, VA 22314-2098
Tel: (703) 836-2332
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This is not a manufacturing exemption.

(b) Confidential treatment is not requested.

(Continued)

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(c) (1) Relief is requested from the following regulations:

- 49 CFR Sec. 179.100-20(a)
- 49 CFR Sec. 179.200-24(a) and (b)
- 49 CFR Sec. 179.201-10(a)[first sentence only]
- 49 CFR Sec. 179.220-25
- 49 CFR Sec. 173.22a(a) and (b)
- 49 CFR Sec. 172.203(a)
- 49 CFR Sec. 172.302(c)

(2) The proposed mode of transportation for which the exemption is to be applicable is transport by railroad.

(3) Description of proposed exemption:

It is proposed that tank cars be relieved of the head stamping requirements of 49 CFR Sec. 179.100-20(a), Sec. 179.200-24(a) and (b), Sec. 179.201-10(a)[first sentence only], and Sec. 179.220-25, provided that the tank cars are equipped with corrosion resistant metal specification plates, similar to those required for highway cargo tanks and intermodal portable tanks. The plates will contain the information specified under Association of American Railroads Tank Car Committee Docket T92.14. A copy of the Docket and AAR requirements is attached to this exemption application. These requirements are consistent with the markings currently required for railroad tank cars and similar for highway cargo tanks and intermodal portable tanks.

It is further proposed that marking the exemption number on the shipping paper, as required under 49 CFR Sec. 172.203(a), be waived; that marking the exemption number on tank cars, as required under 49 CFR Sec. 172.203(c), be waived; and that the requirements for exemption availability, as required under 49 CFR Sec. 173.22a(a) and (b), be waived.

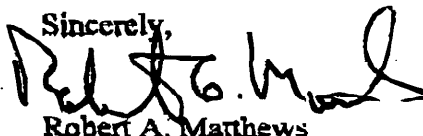
(4) It is sought to have a duration of the exemption which will extend until 49 CFR is modified to remove the head stamping requirements of Sec. 179.100-20(a), Sec. 179.200-24(a) and (b), and Sec. 179.220-25.

(5) The basis for seeking relief from compliance with the specified regulations is that the specification plates will be permanently attached to the tank car bolsters or another permanently attached location for cars with full underframe design and will contain all information which would be stamped on the heads under the regulations from which relief is requested. Furthermore, the information will be more readily available than it would be from the tank heads. This exemption request will align the tank car marking requirements with those mandated by DOT for highway cargo tanks and intermodal portable tanks.

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- (6) Emergency processing of this application under Sec. 107.117 is not sought.
- (7) This exemption is sought for all hazardous materials approved for transportation in tank cars, both DOT and AAR class.
- (8) The packagings to be used in conjunction with the requested exemption are all DOT and AAR Class tank cars.
- (9) Alternative packagings are not applicable.
- (d) This exemption provides a level of safety which is at least as high, and arguably higher, as that provided without the exemption.
- (1) The requirement for head stamping, as included in 49 CFR Sec. 179.100-20(a), Sec. 179.200-24(a) and (b), and Sec. 179.220-25, is stated that is "to certify that the tank complies with all specification requirements." However, this information is most often located such that it would be necessary to remove a portion of a jacket and insulation or thermal protection in order to access the information. The specification plates, which will be required by the AAR and which will be applied in lieu of head stamping, shall be permanently attached to the inboard surfaces of the AR and BL body bolster webs or another permanently attached location for cars with full underframe design. These locations are immediately accessible to view, so that the specification plates more satisfactorily meet the stated purpose "to certify that the tank complies with all specification requirements."
- (2) There is no increased risk to safety or to property that would result if this exemption is granted.
- (3) The only change which will be effective under this exemption is the manner in which required information is marked on the car. The exemption is requested so that it may be applied only if the specification plates (to be required by the AAR) are permanently applied to the body bolsters or another permanently attached location for cars with full under-frame design. The plates provide increased access to that information, which may be of substantial benefit in emergency situations. Since the exemption is requested only for stub still tank cars, the body bolsters and the attached specification plates will remain with the tank throughout the life of the tank car.

Sincerely,



Robert A. Matthews

M/d
Attachment

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Docket: T92.14

A/C

**Consider Tank Car Identification Plates
(formerly Consider Marking Both Tank Specifications and Operating Specifications)**

By letter dated 2/14/00, WT Gose observed that confusion can arise over what specification to stencil on a car that is operated under one specification but has a tank designed to another. Examples include cars with lower start-to-discharge ratings on the pressure relief valve than would be expected for the tank's test pressure, and cars operated over 263,000 pounds GRL that must be stenciled AAR-211. He suggested for consideration that cars might be stenciled with a tank specification and also a tank car operating specification.

At the April 2000 meeting, WT Gose reviewed the issue. The Working Group agreed with JH Rader that the regulations allow the separation of valve setting and tank specification, and therefore the answer is already clear: stencil the tank specification. Mr. Rader noted that he is developing a proposal for a specification plate to be attached to the body bolster, to be accompanied by elimination of head stamping. In general, the FRA prefers that the tank specification as built be the specification stenciled. The working group recommended RFD.

At the August 2000 videoconference, under T59.1, JH Rader reported that a new rulemaking, HM216A, will propose specification data plates to replace head stamping, among other changes. Mr. Rader is looking for ideas about what information would be useful to have on the specification plate. RFD.

The docket was reopened and renamed to consider a proposal received from TH Dalrymple dated 8/23/00. Mr. Dalrymple advocates eliminating all steel stamping on tank heads, as he feels it can compromise the tank's integrity and is often not visible anyway. He described a proposed identification plate meant to replace head stamping, to be placed at eye-level on the inboard surface of the body bolster web. The items he proposes for the identification plate are:

- 1) Car builder's name
- 2) Car builder's serial number
- 3) Certificate of construction number
- 4) Tank specification (not stenciled specification)
- 5) Built date

He believes other items now specified in Appendix C for the head stamping are either obsolete or ambiguous. He further called for amending Appendix C to discontinue the steel-stamping of water capacity on tank heads, as permitted by Federal regulations (ref. 8/21/00).

By e-mail dated 8/24/00, CIA Lane agreed specifically with items 1 and 4 from Mr. Dalrymple's list, and mentioned the original car initials and number at construction as a possible addition.

By e-mail dated 8/24/00, JH Rader stated his hope that Tank Car Committee work on this topic would form the basis for a smooth process of rulemaking to align the Federal regulations with anticipated developments in M-1002. He raised for consideration the idea that two plates on opposite corners of the car would provide redundancy in case one falls off. He also would consider placing the class rather than the full specification on the plate. Finally, he suggested adding:

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Consider Tank Car Identification Plates, (continued)
(formerly Consider Marking Both Tank Specifications and Operating Specifications)

(Rader 8/24/00 proposal)

- proof test pressure (psi),
- a blank row reserved for permanent conversion to another tank class,
- the minimum head/shell thickness, and
- underframe style.

In response (dated 8/24/00), Mr. Dalrymple agreed with the ideas of a second plate and marking underframe style, but preferred the additional information provided by a full specification instead of just the class, and raised doubts about whether the complexity of thickness requirements can be captured in a simple item on the plate.

By e-mail dated 9/2/00, F. Feiner agreed with Mr. Dalrymple's 8/23/00 proposal, and with locating the plate in an accessible but protected spot. However, he disagreed with the idea that stamping can be detrimental to the integrity of the tank.

At the October 2000 meeting, a task force was formed as identified below. It was noted that this docket is related to issues under consideration under Executive Docket T79.30-99, "Marking DOT/TC Specification Cars to AAR Class", and the TCC must ensure coordination of the two task forces. Under T79.30-99, RM Richardson passed out a diagram of a prototype identification plate to allow AAR cars to be operated as such when built as DOT cars, while not losing the right to revert to DOT stenciling. JH Rader reviewed his concerns, which the plate does not entirely satisfy. His view is that if a car is ever going to return to DOT stenciling, it should be maintained as a DOT car in the meantime. If not, it should be permanently converted to an AAR car. The Committee referred the proposed plate to docket T92.14 for consideration by A/C.

At the January 2001 meeting, T. Dalrymple is to be added as chairman of the task force.

By e-mail dated 1/9/01, A. Maty recommended adding tank material, head material, and head thickness as items of value to emergency responders.

Per e-mail received 01/26/01, A. Maty was added to this task force.

At the April 2001 meeting the following proposal was passed and the docket has been forwarded to the committee. It was noted that potential problems existed for full sill cars and cars that received modified stub sill designs. It was also remarked that the plates' data should be kept "current".

At the July 2001 meeting, this proposal was adopted by the committee as marked below. At the present time builders must have a DOT exemption to gain relief from the head-stamping requirement. The committee is looking for rulemaking in the future to cover this. RFD

AAR to publish as a circular.

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Consider Tank Car Identification Plates, (continued)
(formerly Consider Marking Both Tank Specifications and Operating Specifications)

4.0 Marking of Tanks

4.1.1 All cars ordered after January 1, 2002 must be equipped with two identical stainless steel identification plates. Plates must be at least 3/32-inch thick and permanently affixed by welding or mechanical fasteners in a visible location to the inboard surfaces of the AR and BL body bolster webs or any flashing that covers the body bolster webs. If bolts are used for mounting, the threads must be deformed to prevent loss of the plates.

4.1.2 Plates are to be unpainted and of a size suitable to contain the following items of text. Letters must be a minimum of 3/16 inch high and be clearly stamped, etched, or embossed on the plates.

CARBUILDER'S NAME: (Full name of the carbuilder as shown on the certificate of construction)

BUILDER'S SERIAL NUMBER: (Builder's serial number of the specific car)

CERTIFICATE OF CONSTRUCTION/EXEMPTION: (Number of the AAR Certificate of Construction under which the car was built/Exemption number if constructed under an exemption.)

TANK SPECIFICATION: (Constructed tank specification from line 7 of the certificate of construction)

TANK SHELL MATERIAL/HEAD MATERIAL: (ASTM or AAR specification of the material used to construct the tank shell and heads. In the case of Class DOT-113W, DOT-115W, AAR-204W, and AAR-206W cars the materials used to construct the outer tank will be listed. In the case of aluminum tanks, only the alloy (e.g., 5154) need be listed. In the case of stainless steel tanks, only the type (e.g., 304L or 316L) need be listed.

INSULATION MATERIALS: (Generic names of first and second layers of thermal protection and insulation)

INSULATION THICKNESS: (Insulation thickness in inches)

UNDERFRAME/STUB SILL TYPE: (Stub sill type used in the SS-3 inspection database)

DATE BUILT: (Month and year of construction. If the underframe has a different built date than the tank built date, both dates must be shown.)

4.1.3 Following is an example of the marking on an identification plate.

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Docket: T92.14
A/C

Consider Tank Car Identification Plates, (continued)
(formerly Consider Marking Both Tank Specifications and Operating Specifications)

CARBUILDERS NAME: KEN DORBEY TANK CAR COMPANY
BUILDERS SERIAL NUMBER: 0000-00-001
CERTIFICATE OF CONSTRUCTION/EXEMPTION: A04B006/E-13155
TANK SPECIFICATION: DOT-111A130002
TANK SHELL MATERIAL/HEAD MATERIAL: TC12B/A51B
INSULATION MATERIALS: CERAMIC FIBER/BERGLASS
INSULATION THICKNESS: 4 INCHES
UNDERFRAME/ STUAS BILL TYPE: PGK 001
DATE BUILT: OCT 2003

- 4.1.4 Any illegible or missing identification plates must be replaced. Information on a replacement plate may be copied from a still-attached identification plate or be supplied by the car owner.
- 4.1.5 Any changes made to a car that would cause the information on the identification plates to be incorrect will require that new, correct identification plates be applied.

TASK FORCE: T. Dalrymple (chair), A Henzi, RM Richardson, Sam Brzezniak, L Strouse, PJ Student, W Schoonover, S Gambeau, A. May

TF CHARGE: Make a recommendation regarding a tank car identification plate

REFERENCES: WT Gose 2/14/00; TH Dalrymple 8/21/00, 8/23/00, 8/24/00, 4/10/01, 8/6/01; GA Lane 8/24/00; JH Reder 8/24/00; F Reiner 9/2/00; RM Richardson 10/25/00 (pursuit); A. May 1/9/01, 1/26/01